

**ENVIRONMENTAL PROTECTION COMMISSION
MINUTES
GENERAL MEETING/PUBLIC HEARING
May 3, 2006**

Chairman Hillman called the meeting to order at 7:30 p.m. Members present: Peter Hillman, Craig Flaherty, Reese Hutchison, Ellen Kirby, Pete Kenyon, and Susan Cameron.

Staff present: Richard Jacobson

Court Reporter: Bonnie Syat

Public hearing continuation:

EPC 2-2006, Laurie Stuek, 22 Driftway Lane, proposing demolition of the existing residence and construction of a replacement building and modified driveway and related site development activity within a regulated area (continued from 4/19/06).

Mike Fishman of Stearns & Wheeler referred to Mr. Jacobson's letter of April 21, 2006. He stated that the footprint of the proposed house is smaller than the existing house. He said the existing garage will be removed and replaced with a shed on piers over gravel.

Mr. Flaherty asked about the amount of reduction in impervious surface. Mr. Fishman said the garage removal would result in an additional 400 sq. feet of reduction for a total of 715 sq. feet less impervious surface.

Mr. Fishman said the rain garden will be separated from the lawn area by a stone wall. The proposal is to remove approximately six inches of fill material from the wetland north of the rain garden and seed the 3000 square foot wetland restoration area with a wetland seed mix. Mr. Hutchison asked if the roof leaders will be directed to the rain garden and was told yes.

Mr. Hillman asked if the porch will be constructed on piers. Jeff MacDougal of William Seymour Associates answered yes.

Mr. Hillman stated that he viewed the property during the previous week's storm and observed significant flooding. Ms. Cameron and Ms. Kirby also visited the site during the storm. Ms. Cameron provided photos of the flooding and stated that water did not reach the house. She asked if there was an increase in flood storage volume proposed and Mr. MacDougal answered 58.5 additional cubic yards of storage is proposed.

Mr. Flaherty asked about the wall in the area of the rain garden and how will the natural area proposed to be restored behind the garage be protected. Mr. Fishman suggested that a line of boulders be placed extending from the end of the wall along the edge of the

ENVIRONMENTAL PROTECTION COMMISSION
MINUTES
GENERAL MEETING/PUBLIC HEARING
May 3, 2006
Page 2 of 6

lawn. Ms. Cameron suggested randomly placed boulders within the natural area similar to a plan prepared for the Tricarico application.

Mr. Hillman asked Mrs. Stuek if she visited the property during the storm. Mrs. Stuek said she did visit the site and that the crawl space was flooded during and after the storm. Mr. Hutchison asked where the sump pump will discharge and Mr. Fishman said the discharge will be directed to the rain garden.

Mr. Hillman asked Mrs. Stuek to clarify that the main reason for demolishing the house is because it is in the flood plain and not because of mold. It is preferable to have the new house constructed above the 100 year flood elevation. Mrs. Stuek acknowledged that the primary reason for the house demolition is the flood plain issue.

Ms. Cameron asked if the size of the house would allow expansion of the living space to six bedrooms which would be beyond the capacity of the property to support. Mr. MacDougal stated that the footprint of the house would control expansion and because there is no basement and the upper floor is not private it would not be expected to be used as a bedroom.

Ms. Cameron asked if the applicant would be willing to plant the southern edge of the wetland which is lawn. Mr. MacDougal said that portion of the lawn is on the neighbor's property. Mr. Kenyon suggested the applicant stop mowing that portion of the lawn and allow it to become natural. Mr. MacDougal agreed that this area of the lawn would be abandoned. Ms. Kirby asked if the shed was proposed to be removed and Mr. MacDougal answered yes.

Mr. Hillman asked if there were any members of the public who wished to speak. Seeing none Mr. Hillman made a motion to close the public hearing. The motion was seconded by Mr. Flaherty and passed unanimously.

The Commission proceeded to deliberate on the application.

Mr. Hillman stated that the removal of the garage is a significant improvement in the application as is the clarification that mold is not the driving reason for demolishing the house, but that the floodplain is the primary reason. He said the land use agencies should strive to improve the situation of homes in the floodplain. Since there is no basement in the house, reducing the size of the house is not warranted. He suggested an approval with stipulations including boulders to demarcate the restored wetland, the house will be required to have a sump pump, and the lawn within the wetland on the south side of the house will be left natural.

Mr. Hutchison stated that rooms in new homes are not necessarily bedrooms but may serve other luxury purposes. The Commission should not focus on the personal use of properties. The property owner has met their needs while protecting the wetlands.

ENVIRONMENTAL PROTECTION COMMISSION
MINUTES
GENERAL MEETING/PUBLIC HEARING
May 3, 2006
Page 3 of 6

Mr. Flaherty cited the applicant's cooperation in restoring wetlands, reducing impervious coverage, locating the house farther from the wetland and providing a rain garden.

The Chairman directed Mr. Jacobson to draft an approval with stipulations. He thanked Ryan Ebenhack from Hygenix for his assistance.

Minutes of January 4, 2006 Mr. Hillman moved to approve the minutes. Mr. Kenyon seconded the motion and it passed 4-0 (Ms. Cameron and Ms. Kirby abstained).

Discussion regarding the Darien High School Project, EPC-49-2001, 80 High School Lane.

Joe Canas of Tighe & Bond provided a monthly status report. The April 23 storm dropped 5.3 inches of rainfall in a 15 hour period which is about a 50 year storm event. Ms. Cameron provided photos of the high school erosion. Mr. Canas stated that he visited the site on Monday and the E&S controls had held up reasonably well considering the size of the storm. Mr. Flaherty stated that the site looked better than expected but there is still no designed sediment trap or coverage of exposed areas, and the problems will reoccur until the site is stabilized.

Chairman Hillman stated that there has been serious flooding of Holly Lane residents and the Commission should determine if the high school is contributing to the problem. Ms. Cameron stated that the high school does not appear to be causing an increase in flooding. Mr. Hillman expressed skepticism.

Mr. Flaherty asked when the site would be permanently stabilized and Mr. Canas said he does not know what the hold up is. He will report back on June 1.

Public hearing:

EPC 22-2006, Thomas and Suzanne Denunzio, 129 Nearwater Lane, proposing to construct a timber pier and floating dock and re-grade and re-vegetate shoreline within a regulated area. The property is located on the west side of Nearwater Lane approximately 20 feet west of the intersection of Juniper Road and Nearwater Lane and is shown on Assessor's Map #56 as Lot # 27.

The Chairman announced that because the Darien Land Trust had not received notice as an adjacent property owner the public hearing would be opened and continued to June 7 at 8:30 p.m. Ms Cameron recused herself on this application.

Old Business:

EPC-29-2006, Colin and Eleanor McKay, 19 Winding Lane, proposing a propane tank, stone wall construction and deck within a regulated area.

ENVIRONMENTAL PROTECTION COMMISSION
MINUTES
GENERAL MEETING/PUBLIC HEARING
May 3, 2006
Page 4 of 6

No one appeared representing the applicant and the application was continued until the June 7 meeting.

EPC-30-2006, Harry and Kathryn Amyotte, 17 Brushy Hill Road, proposing a house addition and construction activity within 100 feet of the Goodwives River.

Mr. Kenyon stated that he is a resident of Brushy Hill Road but he believes he can be objective in reviewing the application.

Mr. Lewis Huffman, Architect represented the applicant. He said the property is a steep site and all of the construction will be done from the front of the property. The proposed additions will increase the coverage of the building by 116 square feet. Mr. Hillman asked how long the Amyottes have owned the house. Mrs. Amyotte said since November 2004.

Ms. Cameron requested that the tree which is proposed to be removed be replaced with two flowering trees. She also requested there be no more dumping of leaves over the split rail fence.

Mr. Hillman made a motion to approve the application with stipulations that two flowering trees be planted and that the roof leaders be provided with proper energy dissipaters to prevent scour. The motion was seconded by Mr. Flaherty and passed unanimously.

EPC-27-2006, Mr. and Mrs. Bryan Murphy, 21 Libby Lane, proposing an addition to an existing dwelling and associated construction activity within a regulated area.

William Hughes, contractor represented the applicant. He said the addition will not increase the roof area of the house. Mr. Hillman asked where the roof leaders will be directed. Mr. Hughes said the new leaders will be directed to the wetland. The existing leaders will not be redirected.

Mr. Hillman addressed the clearing which was done without a permit. Mr. and Mrs. Murphy were not aware that the front lawn is wetland. They have retained Sara McCool to provide a planting plan.

A motion was made by Ms. Cameron to approve the application with the stipulation that the applicant provide a planting plan for the front yard wetland. The motion was seconded by Mr. Hutchison and passed unanimously.

New business:

EPC 31-2006, Clay and Elisa Persinger, 42 Rocaton Road, proposing to construct a second floor addition and porch for an existing residence within the regulated area.

ENVIRONMENTAL PROTECTION COMMISSION
MINUTES
GENERAL MEETING/PUBLIC HEARING
May 3, 2006
Page 5 of 6

Jacek Bigosinski, Architect represented the applicant. He said the proposed addition will convert a three bedroom house to a four bedroom house. The only increase in the footprint of the building is the new front porch.

Mr. Hillman suggested the roof leaders be directed to a rain garden. Mr. Bigosinski said the only area available for a rain garden is close to the wetland. Mr. Kenyon suggested using a portion of the designated wetland area in the lawn as a rain garden. Mr. Persinger said he was amenable to a rain garden.

A motion was made by Mr. Hillman to approve the application with the stipulation that a planting plan for a rain garden be provided to the staff. The motion was seconded by Mr. Hutchison and passed unanimously.

EPC-32-2006, Amy E. Reed, 24 Laforge Road, proposing to construct a gravel parking space with associated grading within a regulated area.

Attorney Bruce Hill represented the applicant. He stated that the application was submitted a year ago to create a parking space to allow an addition to the living area by converting a garage bay. The application was denied. The Zoning Board of Appeals denied an application to waive the parking space requirement.

Ms. Cameron asked about the tree adjacent to the house which appears to have been removed in violation. Mr. Hill said that Mrs. Reed spoke with an arborist who said the tree should be removed. The parking space is being requested because it is required, not because it is preferred by the applicant.

The Commission requested that the applicant appear in person at the June 7 meeting to discuss the tree and provide a planting plan.

EPC-33-2006, Darien Land Trust, Silver Lakes Drive, proposing removal of invasive species for habitat management on Land Trust property. Ms. Cameron recused herself.

Ms. Cameron represented the Land Trust as a Trustee. The proposal is to remove invasive plants by hand cutting.

Mr. Hillman made a motion to approve. The motion was seconded by Mr. Flaherty and passed unanimously.

EPC 21-2006, Richard Windels, Jr., Friends of Goodwives River, Inc. on behalf of Joanne Nielsen, 34 Delafield Island Road, proposing to dredge approximately 0.35 acres of a portion of Nielsen Pond and Pony Pond and replant wetland vegetation.

Richard Windels represented the applicant. The Commission discussed the plantings which were not done for the previous permit approval. Mr. Windels said Mrs. Nielsen would like to expand the buffer plantings surrounding the pond.

ENVIRONMENTAL PROTECTION COMMISSION
MINUTES
GENERAL MEETING/PUBLIC HEARING
May 3, 2006
Page 6 of 6

Mr. Windels made a presentation describing the method of dredging Pony Pond and Nielsen's Pond. Mr. Flaherty expressed a concern that the filling proposed within the buffer was not quantified and he would not want to approve the application without limiting the depth of fill. Mr. Windels said the fill would be 3-9" in depth. He requested permission to dredge Pony Pond and use the approximately 180-220 yards of material on site. He will return with a separate application for Nielsens Pond.

Ellen Beery, Landscape Designer described a proposed planting list. She said a 5-10' wide buffer will be planted around the pond. Ms. Cameron said she would prefer 10'

Mr. Hillman made a motion to approve the dredgeing of Pony Pond with the stipulation that a planting plan will be provided. The motion was seconded by Ms. Cameron and passed 5-1. Mr. Hutchison was opposed.

A motion to adjourn was made by Mr. Kenyon and seconded by Ms. Kirby. The meeting was adjourned at 10:45.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer